

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ROBERT EARL RAIFORD #07435-043

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:16-cv-174-KS-MTP

COUNTY OF FORREST, MISSISSIPPI, et al.

DEFENDANTS

ORDER

THIS MATTER is before the Court on Plaintiff's Motions to Compel Discovery [119] and [124]. After careful consideration, the Court finds that these Motions should be denied.

First, Plaintiff requests video footage from the date of October 5, 2013 showing the J-Pod cell block at the Forrest County Detention Center (FCDC). Mot. [119] at 1. Defendants have responded stating that the video footage Plaintiff requests no longer exists because the surveillance system in use at the time taped over with new footage approximately every thirty days. Resp. [122] at 3. Production of the video footage cannot be compelled because Defendants cannot produce something they do not have in their possession or control. *Bencel v. Salas*, 2018 WL 691649, at *3 (E.D. La. 2018); *see also* Fed. R. Civ. P. 34(a)(1) which requires the things to be produced be in the responding party's "possession, custody, or control."

Second, Plaintiff asks for supplemental responses to interrogatories that have already been answered. Mot. [124] at 2. Plaintiff requests more detailed answers regarding the medical history of the first person to use the needle at issue in this case, and for leave to subpoena documents relating to this unknown individual. *Id.* at 1-2. The motion does not reveal how the responses were deficient, only that the plaintiff is unhappy with them. Accordingly, the motion is denied as to this request.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel Discovery [119] and Motion to Compel Discovery [124] are DENIED.

SO ORDERED this the 25th day of October, 2018.

s/Michael T. Parker

United States Magistrate Judge